



# USICH Contingency Plan for Possible Lapse in Appropriations

The Antideficiency Act prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits employing federal personnel except in emergencies, unless otherwise authorized by law. 31 U.S.C. 1341 et seq. In the absence of appropriations:

- Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law.
- Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.

Section 124 of the Office of Management and Budget's (OMB's) Circular A-11 requires all agencies to develop and maintain plans for an orderly shutdown in the event of a lapse in appropriations.

## USICH Operations in the Absence of Appropriations

USICH does not conduct excepted services within the Anti-Deficiency Act (ADA) and guidance established by the opinions issued by the Department of Justice (DOJ). Therefore, agency operations will cease for the entire period of any shutdown due to a lapse in appropriations, and all USICH employees will cease to work during this period. As of August 21, 2017, USICH had a total of 13 staff on-board -- 12 professional staff and 1 support staff. No USICH employee may be retained under the following exceptions provided by the ADA and guidance established by the DOJ opinions:

- Employees whose compensation is financed by a resource other than annual appropriations;
- Employees necessary to perform activities expressly authorized by law;
- Employees necessary to perform activities necessarily implied by law;
- Employees necessary to the discharge of the Presidential constitutional duties and powers; and
- Employees necessary to protect life and property.

The Executive Director (ED) and the Director of Finance and Administration (DFA) will be the agency leads in executing a federal government shutdown at USICH, and will be responsible for ensuring agency operations are halted per OMB and OPM guidance, and that the safety and security of agency facilities, IT and other systems are ensured during a shutdown period.

USICH believes that its actions described in this Plan will remain the same during either a short or extended lapse of appropriations period. If the need for any changes to the Plan should arise, however, because of any changes in external circumstances that would warrant such changes, the ED and the DFA will both be responsible for consulting on the changes, the DFA will make the actual changes and submit those upon the ED's approval to OMB.

## Shutdown Activities

USICH estimates that it will need a maximum of 4 hours to shut down its operations. USICH employees will be allowed a maximum of 4 hours work time in order to shut down operations on the next workday after the shutdown is effective. Shutdown activities will include such activities as: 1) communications to stakeholders, vendors, its Financial Management Line of Business (FMLoB) service provider, and others regarding the shutdown; 2) website, email and voicemail message postings notifying all of the shutdown; 3) issuance of furlough letters to employees; 4) communications with employees and stakeholders regarding any planned travel during the shutdown period, and 5) other necessary activities, including IT and any other operational work necessary to support the agency's orderly shutdown of operations.

USICH believes its main activities in the event that a federal government shutdown occurs would fall under two primary categories – Personnel, Communications, and Travel.

## Personnel

Upon announcement of a federal government shutdown, USICH via the ED and/or DFA will notify employees to return to work on the next business day, or telework as approved by their supervisor to conduct activities necessary for the orderly termination of USICH's functions. USICH employees may work for a maximum of four hours on agency shutdown activities.

Official furlough notices will be issued electronically to employee's government email accounts on the first day of the lapse in appropriations during the four hours permitted for shutdown activities. The USICH ED and/or DFA will be responsible for disseminating all pertinent information to employees regarding this matter. Such communication will include:

- The legal basis for the shutdown;
- The period of time the shutdown will cover, if known;
- Any pertinent information related to employee pay, benefits, and tenure per OPM guidance;
- Prohibitions against voluntary work during the shutdown;
- Prohibitions against using USICH-issued devices during the shutdown; and,
- Guidance for employees to regularly check OPM, OMB, news and other communication portals for the latest information or for any changes related to the shutdown, such as an early cessation or extension of the shutdown.

To notify employees that the shutdown furlough has ended, the ED and/or DFA will also issue an official notice to employees to return to work on the employees next scheduled workday after the furlough has ended via their personal email address on file or via their personal cell phones as soon as possible after announcement.

If employees have problems returning to work on the date specified by USICH, employees may be granted flexibilities as necessary and as requested by the employee and approved by their supervisor, such as telework, and the use of accrued annual leave or compensatory time.

## Communications

During the shutdown period, employee access to the agency's cloud-based platform and internal file servers will be disabled. The DFA may be allowed to return to work earlier than the remainder of the staff once notice that the end of the shutdown has ended is issued, so that Agency IT systems are restored in an expeditious manner to support the Agency's operational restart.

Employees will be requested to submit their personal email addresses and/or phone numbers to the DFA in order to be contacted when official word is announced on when to return to work or for any other applicable updates during the shutdown period.

USICH's website will not be operational during the shutdown period and a message will be posted on the website regarding the shutdown. Additionally, USICH will change its main line's voicemail message to reflect its operational status. Employees will activate email out-of-office messages, as well as change voicemail messages, to reflect the operational status.

The DFA will contact key contractors and other key agency stakeholders directly, as necessary, to communicate how the shutdown will affect their business and ongoing services (if already obligated) with the Agency. The DFA will also contact its FMLoB service provider to ascertain the status of any pending financial transactions in order to communicate that status with any affected parties, such as affected contractors, and will confirm with the FMLoB service provider, that all financial transactions, including disbursement of funds, will cease during the shutdown period. Once the shutdown period is over, USICH will contact the FMLoB service provider to ensure its normal handling of USICH transactions and reporting resumes.

## **Travel**

Any travel already scheduled during the shutdown period will be rescheduled as feasible. Staff on previously approved travel and/or away from their normal duty station when the shutdown is announced, will be notified to return to their normal duty station as soon as practicable. The travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose. If the funding lapse is expected to be for a short period of time, employees may elect to stay at their travel destination and await any updates on resuming work and/or travel, but the employee will be responsible for all expenses. While the employee will be personally liable for the additional travel expenses, the agency will continue to incur the obligation for those travel costs that would have been incurred if the employee had returned promptly, and the agency will reimburse such "prompt return" travel costs after appropriations are enacted and are available for that purpose. No per diem, hotel or other travel-related expenses are authorized to be incurred during a lapse in appropriations.